

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

**FEIN, SUCH, KAHN & SHEPARD, P.C.**

Counsellors at Law

7 Century Drive - Suite 201

Parsippany, New Jersey 07054

(973) 538-9300

Attorneys for Secured Creditor

FCI LENDER SERVICES, INC., as servicer

for U.S. ROF IV LEGAL TITLE TRUST

2015-1, BY U.S. BANK NATIONAL

ASSOCIATION, AS LEGAL TITLE TRUSTEE

JILL A. MANZO, ESQ.

256PJD

bankruptcy@feinsuch.com

In Re:

WALTER TARRATS

Debtor(s).

Case No.: 18-28251 RG

Adv. No.:

Chapter: 13

Hearing Date: December 19, 2018

Judge: Honorable Rosemary  
Gambardella

**OBJECTION OF FCI LENDER SERVICES,  
INC. TO DEBTOR'S MOTION TO  
PARTICIPATE IN THE COURT'S LOSS  
MITIGATION PROGRAM**

I, JILL A. MANZO, ESQ. , do hereby certify as follows:

1. I am an attorney at law of the State of New Jersey associated with the law firm of FEIN, SUCH, KAHN & SHEPARD, PC, attorneys for **FCI LENDER SERVICES INC., as servicer for U.S. ROF IV LEGAL TITLE TRUST 2015-1, BY U.S. BANK NATIONAL ASSOCIATION, AS LEGAL TITLE TRUSTEE** ("Secured Creditor" herein), and I am fully familiar with the facts and circumstances of the within matter.

2. Secured Creditor holds a mortgage on Debtor's residence

which is located at 16 LEWISBURG ROAD, WANTAGE NJ 07461. As of the date of the bankruptcy filing, Debtor was in default on the terms of the Note and Mortgage.

3. The Debtor filed the instant bankruptcy on 9/12/2018, the same day as the scheduled sheriff sale. The Debtor's bankruptcy filing effectively stayed the Sheriff sale - a new sale date has been scheduled for January 30, 2019.

4. The Debtor filed the instant Motion for Approval to Participate in the Court's Loss Mitigation Program on 10/22/2018 to which Secured Creditor respectfully objects for the reasons which follow:

(a) The Debtor has failed to remit any payments to Secured Creditor since the Debtor's bankruptcy filing. The Debtor is now currently behind three (3) months (October 2018 - December 2018). The Debtor has failed to comply with his obligations under the Debtor's Request for Loss Mitigation, which indicated the Debtor was to make monthly payments to Secured Creditor starting October 1, 2018.

(b) Additionally, Secured Creditor has reviewed the Debtor for possible retention options and provided an offer to Debtor's counsel on November 2, 2018. To date, Secured Creditor has not received a response from counsel regarding the Debtor's position related to the offered retention options. Therefore, it does not appear that the Debtor is actively interested in possible retention options and is only using the bankruptcy as a way to delay the

Sheriff sale.

3. For the reasons stated above, and for any others that the Court deems fit to adopt, Secured Creditor respectfully objects to Debtor's Motion to Participate in the Court's Loss Mitigation Program.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

**FEIN, SUCH, KAHN & SHEPARD, PC.**  
Attorneys for the Secured  
Creditor,

By: /S/JILL A. MANZO, ESQ.

DATED: December 12, 2018

cc: RUSSELL L. LOW - DEBTOR(S)' ATTORNEY  
MARIE-ANN GREENBERG - TRUSTEE